


  
**FEDERAL REGISTER**  
 OF THE UNITED STATES  
 1934  
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*Washington, Thursday, March 5, 1942*

*The President*

**EXECUTIVE ORDER**

AMENDING EXECUTIVE ORDER NO. 8512<sup>1</sup> OF AUGUST 13, 1940, PRESCRIBING REGULATIONS PERTAINING TO BUDGETARY ADMINISTRATION AND FINANCIAL REPORTING

By virtue of the authority vested in me by the Budget and Accounting Act, 1921, approved June 10, 1921 (42 Stat. 20), and as President of the United States, Executive Order No. 8512 of August 13, 1940, prescribing regulations pertaining to budgetary administration and financial reporting, is hereby amended as follows:

1. The word "reporting" is substituted for the word "accounting" in the first sentence of section 6 (b) of the order.

2. A colon is substituted for the period at the end of section 7 of the order and the following proviso is added thereto:

*Provided*, that prior to establishing such uniform terminology, classifications, principles, and standards, they shall be referred to the Comptroller General of the United States for consideration and determination as to whether they are in conflict with the forms, systems, and procedures prescribed by the Comptroller General as required by section 309 of the Budget and Accounting Act. If the Comptroller General determines that such conflict exists, then they shall not be established except by him as provided in section 309 of the said Act.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
March 3, 1942.

[No. 9084]

[F. R. Doc. 42-1902; Filed, March 4, 1942;  
12:18 p. m.]

<sup>1</sup>5 F.R. 2849.

*Rules, Regulations, Orders*

**TITLE 14—CIVIL AVIATION**

**CHAPTER I—CIVIL AERONAUTICS BOARD**

[Amendments 04-14, 04-15, Civil Air Regs.]

**PART 04—AIRPLANE AIRWORTHINESS**

**REQUIREMENTS FOR POSITION LIGHTS**

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 04 of the Civil Air Regulations is amended as follows:

1. By amending § 04.531 (a) to read as follows:

§ 04.531 *ACP landplanes—Visual-contact night flying.* \* \* \*

(a) A set of certificated air carrier airplane position lights. The forward lights may be air carrier forward position lights or a combination of standard forward position lights and a set of auxiliary forward position lights. (See Part 15 for light requirements and § 04.5827 for installation requirements.)

2. By amending § 04.5827 to read as follows:

§ 04.5827 *Position lights.* Position lights shall be installed so that, with the airplane in normal flying position, the

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**THE PRESIDENT**

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forward red position light is displayed on the left side and the forward green position light on the right side, each showing unbroken light between two vertical planes whose dihedral angle is 110 degrees when measured to the left and right, respectively, of the airplane from dead ahead. Such forward position lights shall be spaced laterally as far apart as practicable. One rear position light shall be installed on the airplane at the rear and as far aft as possible and shall show a light visible aft throughout a dihedral angle of 140 degrees bisected by a vertical plane through the longitudinal axis of the airplane. Such light shall emit (a) in the case of a non-air carrier airplane, a continuous white light and (b) in the case of an air carrier airplane, alternate red and white flashes as specified in § 15.2015. In lieu of such single rear position light, an air carrier airplane may carry two rear position lights, one red and one white, spaced as closely as possible to each other with one unit above the other and in combination emitting the red and white flashes specified in § 15.2015.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-1880; Filed, March 4, 1942; 9:52 a. m.]

[Amendment 15-1, Civil Air Regs.]

#### PART 15—AIRCRAFT EQUIPMENT AIR-WORTHINESS

##### REQUIREMENTS FOR POSITION LIGHTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 15 of the Civil Air Regulations is amended as follows:

1. By striking the title of § 15.2014 and inserting in lieu thereof the title, *Non-air carrier airplane rear position lights*.

2. By adding a new section after § 15.2014 to read as follows:

§ 15.2015 *Air carrier airplane rear position lights.* Air carrier airplane rear position lights shall emit an alternate aviation red and aviation white flash repeated at a frequency of 40 cycles a minute; each cycle shall have the following characteristics: 150 degrees white—10 degrees dark—150 degrees red—50 degrees dark. A tolerance of plus or minus 10% will be allowed in the above figures. Both white and red lights

shall be fitted with 32 candlepower lamps. The red and white units of the light may be separate units spaced as closely as possible. Each color of light shall be completely visible in dihedral angle A. If separate red and white units are used, certificated white tail lights may be converted into such units as follows: (a) the candlepower of the lamps shall conform to the requirements of this section, (b) the clear cover glass for the intended red unit shall be replaced by a red cover glass of the same design. No photometric tests of such converted lights will be considered necessary when the above changes are made. If the light is of a new type, it shall emit light in all directions in dihedral angle A, as specified in § 15.2014.

3. By amending § 15.202 except subparagraphs (a), (b) and (c) to read as follows:

§ 15.202 *Color.* All left forward position lights shall be aviation red, all right forward position lights shall be aviation green, and all rear position lights for non-air carrier aircraft shall be aviation white. These colors are defined as follows:

\* \* \* \* \*

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-1881; Filed, March 4, 1942; 9:52 a. m.]

[Amendments 60-59, 60-60, Civil Air Regs.]

#### PART 60—AIR TRAFFIC RULES

##### REQUIREMENTS FOR POSITION LIGHTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.60 to read as follows:

§ 60.60 *Unassigned.*

2. By amending §§ 60.61, 60.610 (a), and 60.611 (b) to read as follows:

§ 60.61 *Airplane lights.* Between sunset and sunrise, all airplanes in flight shall show position lights certificated and installed in accordance with the applicable provisions of Parts 15 and 04.

3. By amending § 60.62 to read as follows:

**§ 60.62 Airship lights.** Between sunset and sunrise, airships shall carry and display the same lights prescribed for non-air carrier airplanes, except that the side lights shall be doubled horizontally in a fore and aft position and the rear light shall be doubled vertically. Lights in a pair shall be at least 7 feet apart.

4. By amending § 60.63 to read as follows:

**§ 60.63 Balloon lights.** Between sunset and sunrise, a free balloon shall display one steady white light and one flashing red light, both lights to be visible all around the horizon at a distance of at least 2 miles under clear atmospheric conditions. The white light shall be located not less than 20 feet below the car and the red light shall be located not less than 7, nor more than 10, feet below the white light. Between sunset and sunrise, a fixed balloon, or airship, shall carry 3 lights—red, white, and red—in a vertical line, one over the other, visible at least 2 miles under clear atmospheric conditions. The top light shall not be less than 20 feet below the car, and the lights shall be not less than 7, nor more than 10, feet apart.

5. By amending § 60.64 to read as follows:

**§ 60.64 Lights on stationary aircraft.** Between sunset and sunrise, all airplanes which are on the surface of water and not under way, or which are moored or anchored in navigation lanes, shall show in all directions an anchor light in accordance with the applicable provisions of Part 04. Between sunset and sunrise, balloon and airship mooring cables shall show groups of 3 red lights at intervals of at least every 100 feet, measured from the car. The first light in the first group shall be approximately 20 feet from the lower red balloon light. The object to which the balloon is moored on the ground shall have an adequate group of lights to mark its position.

6. By striking the words § 60.60 *Angular limits* as they appear in the table of contents of Part 60 and inserting in lieu thereof the following:

**§ 60.60 Unassigned.**

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-1882; Filed, March 4, 1942;  
9:53 a. m.]

[Amendment 60-61, Civil Air Regs.]

#### PART 60—AIR TRAFFIC RULES

##### AIR CARRIER TO MAKE AVAILABLE WEATHER INFORMATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 24th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 24, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By inserting after § 60.954 a new § 60.96 to read as follows:

**§ 60.96 Weather information.** Air carriers and their employees, except pilots while in scheduled flight within the continental limits of the United States, shall make available to the United States Weather Bureau and to the Administrator such weather information and data in their possession as the Administrator may direct, to be submitted in the form and manner prescribed by the Administrator.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-1883; Filed, March 4, 1942;  
9:53 a. m.]

## TITLE 26—INTERNAL REVENUE

### CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5123]

#### PART 182—INDUSTRIAL ALCOHOL AMENDMENT OF REGULATIONS NO. 3

By virtue of and pursuant to sections 3105 (a), 3108 (c), 3114 (a), 3124 (a) (6), and 3176 of the Internal Revenue Code, Article 86 of Regulations No. 3, as amended, is hereby further amended so as to read:

**ART. 86. Tax-free alcohol withdrawn under the foregoing provisions of law and regulations for use of the United**

States must be used solely for nonbeverage purposes. Such alcohol, when withdrawn by States and Territories, or any municipal subdivision thereof, or the District of Columbia, must be used solely for mechanical and scientific purposes, or for hospitals or clinics as hereafter specified, and such use, or the use of any resulting product, must be confined to premises under the control of the State or Territory, or municipal subdivision thereof, or the District of Columbia, except that bona fide medicines compounded with such alcohol withdrawn for the use of clinics operated for charity and not for profit, may be used outside of such clinics for treatment of the patients thereof, but such medicines may not be sold.

Tax-free alcohol withdrawn by hospitals or sanatoriums, or by clinics operated for charity and not for profit, may be used only for medicinal, mechanical, and scientific purposes and in the treatment of patients. Scientific universities or colleges of learning shall use such alcohol only for scientific, mechanical, and medicinal purposes, and any laboratory withdrawing alcohol free of tax must use the same exclusively in scientific research. The use of the alcohol and resulting products shall be confined strictly to the premises of the institution withdrawing the alcohol, except that where any such resulting product does not contain alcohol and is to be used in further research, it may be removed, without sale, for that purpose only, such research to be conducted at any scientific university or college of learning, laboratory engaged in scientific research, or hospital or clinic, and except that bona fide medicines compounded with alcohol withdrawn by clinics operated for charity and not for profit may be used outside of such clinics for treatment of the patients thereof, but such medicines may not be sold.

In no case shall alcohol withdrawn tax-free be used in the preparation of food products for use in any manner, and under no circumstances shall such alcohol be used for beverage purposes or in any product which may be so used.

[SEAL] NORMAN D. CANN,  
Acting Commissioner of  
Internal Revenue.

Approved: March 2, 1942.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 42-1875; Filed, March 3, 1942;  
3:09 a. m.]

**TITLE 30—MINERAL RESOURCES**  
**CHAPTER III—BITUMINOUS COAL**  
**DIVISION**  
 (Docket No. A-1206)  
**PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1**  
**ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1**  
 An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and no petitions of intervention having been filed with the Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act;

The following action is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 23, 1942.  
 DAN H. WHEELER,  
*Acting Director.*

[SEAL]  
 [ ]

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the tem-

**TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1**

FOR ALL SHIPMENTS EXCEPT TRUCK

**§ 321.7 Alphabetical list of code members—Supplement R**

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
2845	Bednowski and Sons, Frank	Bednowski #2	33	B	Winkler, Pa.	PRR	49	(1)	1	2	3	4
3362	Creekside Coal Co. (Wm. Hawkins)	Creekside	13	E	McCartney, Pa.	PRR	45	1	2	3	4	5
3372	Humphrey, Lee B. (The Humphrey Brick & The Co.)	Fuller #2	5	C	Fuller, Pa.	PRR	122	1	2	3	4	5
3335	Jackson Coal Co. (R. E. Jackson)	Jackson #1	44	E	Bakerton	W.Md.	68	1	2	3	4	5
3326	Jackson Coal Co. (R. E. Jackson)	Jackson #2	44	E	Bakerton	W.Md.	68	1	2	3	4	5
3327	Jackson Coal Co. (R. E. Jackson)	Jackson #3	44	E	Elk Lick	W.Md.	68	1	2	3	4	5
709	Kays, W. A. (Kays Coal Company)	Beedon	5	D	Beechton	P&S	119	1	2	3	4	5
2385	Lastey, Sherman	Lastey #2	30	C	Boswell	B&O	100	1	2	3	4	5
3263	Merrill, Charles A. (Ponleigh Smokeless Coal Co.)	Ponleigh	41	E	Garrett, Pa.	W.Md.	102	1	2	3	4	5
2860	Miller & Sayles (George F. Sayles)	Miller & Sayles	7	B	Clearfield, Pa.	PRR	45	1	2	3	4	5
3386	Pile, R. M.	Pile #3	37	C	Hooversville, Pa.	B&O	100	1	2	3	4	5
2396	Will & Sons, M. H.	Klotz	36	D	Friedens, Pa.	B&O	100	1	2	3	4	5

\*Indicates Coal in this size group previously classified and priced.

Indicates no classifications effective for these size groups.



## FEDERAL REGISTER, Thursday, March 5, 1942

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R-II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown.  
Group No. 2: 2335, 2338; Group No. 7: 2330; Group No. 8: 2331; Group No. 12: 2332.

## FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes											
				Lump over 4"		Lump 4"		Lump 3"		Lump 2"		Egg 2" x 4"		Stove 1" x 4"	
				1	2	3	4	5	6	7	8	9	10	11	
ALLENTOWN COUNTY															
Schmidt & Snyder (Frank Snyder).	2329	McCrady	Pittsburgh	285	275	265	240	220	220	220	220	190	180	170	
BUTLER COUNTY															
P. & O. Construction Co. c/o Robert J. Boyd.	2332	El Dorado #2 (Strip).	Freeport	325	305	285	265	260	245	245	230	190	180	170	
FAYETTE COUNTY															
Guseman, A. Ray	2331	Ray (Deep)	Sewickley	275	265	255	240	220	210	210	210	195	190	175	
Hough, H. N.	2330	Hough (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175	
Inks, Donald F.	2333	Carroll	Freeport	265	255	245	235	215	205	205	205	190	185	170	
Johnson, Gust O.	2327	Brant	Freeport	265	255	245	235	215	205	205	205	190	185	170	
Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	2334	Brownfield	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175	
WASHINGTON COUNTY															
Sunnyhill Coal Co.	2335	Sunnyhill #4 (Strip).	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170	
WESTMORELAND COUNTY															
Guzik & Sons, John	2336	Guzik #2	Pittsburgh	280	270	260	250	230	220	220	215	195	185	175	
Jamison Coal & Coke Co.	2337	Jamison #21	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175	

[F. R. Doc. 42-1856; Filed, March 3, 1942; 11:03 a. m.]

[Docket No. A-1305]

PART 323—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 3ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF

## DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal

Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered*, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 323.8 (*Special prices—(b) Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R-II, § 323.8 (*Special prices—(c) Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R-III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

*It is further ordered*, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 18, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 3 and supplements thereto.

§ 3233.6 *Alphabetical list of code members—Supplement R-I*  
FOR ALL SHIPMEN IS EASIER TO USE

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

FOR ALL SHIPMENTS EXCEPT TRUCK

FOR ALL SHIPMENTS EXCEPT THICK

§ 323.8 Special prices—(b) Railroad fuel prices for movement via all lakes—Supplement R-II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8(b) in *Minerium* Price Schedule.

Group No. 1: 1295, 1296, 1297, Group No. 1302 (a); Group No. 2: 1294; Group No. 3: 643, 1298, 1289, 1300. Group No. 1298, 1299.

#### FOR TRUCK SHIPMENTS

**§ 323.23 General prices—Supplement T**

[F. R. Doc. 42-1855; Filed, March 3, 1942; 11:03 a. m.]

1440

PART 329—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 9

[Docket No. A-1031 Part II]

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
MEMORANDUM OPINION AND ORDER IN THE  
MATTER OF THE PETITION OF DISTRICT  
BOARD NO. 9 FOR THE ESTABLISHMENT OF  
PRICE CLASSIFICATIONS AND MINIMUM  
PRICES FOR THE COALS OF THE GREEN RIVER  
COAL MINE (MINE INDEX NO. 230) IN DISTRICT  
NO. 9 FOR SHIPMENTS ORIGINATING  
AT BEAVER DAM, KENTUCKY

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on August 28, 1941, by District Board 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests that the classifications and minimum prices heretofore established for the coals of the Green River Coal Mine (Mine Index No. 230) be made effective for an additional shipping point.<sup>1</sup> The petition contained a prayer for temporary relief.

District Board 10 intervened, requesting that no relief be granted that would disturb the competitive opportunities of code members in District 10.

Pursuant to Orders duly issued, and after notice to interested persons, a hearing in this matter was held on December 18 and 19, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof, in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The original petitioner and District Board 10 appeared. The preparation and filing of a report by the Examiner was waived and the matter thereupon was submitted to the undersigned who has considered the record of the proceeding.

District Board 9 requests that the price classifications and minimum prices heretofore established for the coals of the Green River Coal Mine, Mine Index No. 230, be made effective for shipments from Beaver Dam, Kentucky, over the Illinois Central Railroad, in addition to the present shipping points established for the mine at Drakesboro and Bowling Green, Kentucky, on the Louisville and Nashville Railroad. From the evidence, it appears that the mine is located approximately 22 miles from Bowling Green and some 40 miles from Drakesboro. Beaver Dam is about 23 miles from the mine; Beaver Dam is the nearest shipping point to the mine on the Illinois Central Railroad.

T. J. Hoffman, a member of District Board 9, testified that although certain destinations could be reached over the Illinois Central Railroad at lower freight rates than if shipments were made over the Louisville and Nashville Railroad, there were destinations which are served only by the Illinois Central Railroad.

<sup>1</sup>The petition herein, originally designated Docket No. A-1031, requested the establishment of price classifications and minimum prices for the coals of various other mines in District 9. By Order of the Director dated October 8, 1941, that part of the petition relating to the above-mentioned mine was severed from the remainder of Docket No. A-1031 and was designated Docket No. A-1031, Part II.

Since other producers in the District have been accorded a similar privilege of shipping over both railroads, the witness was of the opinion that in order for the operator of the Green River Coal Mine to compete with the other mines he should be granted an additional shipping point on the Illinois Central Railroad. The witness estimated that the mine produces only about 40 tons of coal per day during the winter months and that it closes down during the summer. He expressed the belief that only an occasional car of coal would be loaded at Beaver Dam. While the amount of coal which the producer has in the past shipped from Beaver Dam, or the destinations to which it was shipped, was not shown, the witness expressed the belief that the producer did ship some coal from this point prior to October 1, 1940.

There was no evidence offered in opposition to the relief requested, except that the testimony of W. Y. Wildman, a witness for District Board 10 in Docket No. A-1051, was incorporated in the record by reference. In Docket No. A-1051, witness Wildman opposed the granting of additional shipping points to certain code members in District 9, principally on the ground that the policy, if extended to District 10, would there lead to harmful results. It is sufficient to note that the requests in Docket No. A-1051 were

in many respects similar to the request made here, and the undersigned, after a consideration of the record, found that the additional shipping points therein requested should be granted.

Therefore, upon the basis of the evidence I find and conclude: (1) that in order to preserve fair competitive opportunities for the coals of the Green River Coal Mine, Mine Index No. 230, provision should be made for shipment of those coals from Beaver Dam, Kentucky over the Illinois Central Railroad at the prices heretofore established for said coals, and that the Schedule of Effective Minimum Prices for District 9 for All Shipments Except Truck should be amended accordingly; (2) that such amendment of the District 9 Price Schedule is required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: February 23, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

## EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members—Supplement R*

Mine Index No.	Code member	Mine	Seam	Freight origin group No.	Shipping point	Railroad
230	Green River Coal Mine (L. A. Lovejoy).	Green River...	Stray.....	40	Drakesboro, Ky. & Bowling Green, Ky. Beaver Dam, Ky.....	L.N. IC.

The f. o. b. mine prices for coal shipped by Mine Index No. 230 to any market area for any use, including Railroad Locomotive Fuel, for Size Groups 1 to 4, inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for Size Groups 5 to 29, inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.

[F. R. Doc. 42-1859; Filed, March 3, 1942; 11:04 a. m.]

[Docket No. A-1074 Part II]

PART 329—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 9ORDER GRANTING PERMANENT RELIEF IN THE  
MATTER OF THE PETITION OF DISTRICT  
BOARD NO. 9 FOR THE ESTABLISHMENT OF  
PRICE CLASSIFICATIONS AND MINIMUM  
PRICES AND OF CHARLESTON AND DAWSON  
SPRINGS, KENTUCKY, AS RAILROAD SHIP-  
PING POINTS FOR THE COAL OF THE DUNN  
#3 (MINE INDEX NO. 941) OF FRANK L.  
DUNN AND FOR THE ESTABLISHMENT OF  
PRICE CLASSIFICATIONS AND MINIMUM  
PRICES AND OF SULLIVAN AND STURGIS,  
KENTUCKY, AS RAILROAD SHIPPING POINTS  
FOR THE COAL OF THE WILSON MINE  
(MINE INDEX NO. 944) OF WILLIAMS BROS.  
(SAM WILLIAMS)

A petition having been filed with the Bituminous Coal Division on September

19, 1941, by District Board 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by the establishment of effective price classifications for shipment by rail of certain coals produced in District 9;

Temporary relief having been granted in part by Order of the Director dated October 29, 1941, 6 F.R. 5772;

A petition of intervention having been filed by District Board 10;

Pursuant to Orders duly issued, and after notice to interested persons, a hearing in this matter having been held before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present,

adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the

date of this Order, § 329.5 (Alphabetical list of code members) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That the prayer of the original petition is granted to the extent set forth above and in all other respects denied.

Dated: February 23, 1942.

DAN H. WHEELER,

Acting Director.

#### EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

Note: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

#### §329.5 Alphabetical list of code members—Supplement R

Mine Index No.	Code member	Mine	Mine	Freight origin group No.	Freight origin group No.	Shipping point	Shipping point	Railroad
941	Dunn, Frank L.	Dunn #2, No. 9,....	No. 9,....	40	IC, L&N.	Dawson Springs, Ky. .... (Charleston, Ky. .... Neos, Ky. ....)	IC, L&N.	
944	Williams Bros. (Sam Williams),	Wilson, No. 9,....	No. 9,....	20	IC, L&N.	Sturgis, Ky. .... (Sullivan, Ky. ....)	IC, L&N.	

The f. o. b. mine prices for coal shipped by mine Index nos. 941 and 944 to any market area in any size group and for any use, including railroad locomotive fuel, are the same as the prices shown for Beech Creek Coal Co., Beech Creek Mine, mine Index No. 1, in price schedule No. 1 for all shipments except truck.

[F. R. Doc. 42-1869; Filed, March 3, 1942; 11:05 a. m.]

[Docket No. A-1298]

#### PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CON-  
DITIONALLY PROVIDING FOR FINAL RELIEF  
IN THE MATTER OF THE PETITION OF DIS-  
TRICT BOARD NO. 9 FOR THE ESTABLISH-  
MENT OF PRICE CLASSIFICATIONS AND MIN-  
IMUM PRICES FOR THE COALS OF CERTAIN  
MINES IN DISTRICT NO. 9 FOR ALL SHIP-  
MENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals

No. 44—2

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9  
Note: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK § 329.5 Alphabetical list of code members—Supplement R<sup>1\*</sup>

Mine Index No.	Code member	Mine	Mine	Freight origin group No.	Freight origin group No.	Shipping point	Shipping point	Railroad
957	Barnes, O. A. & Son (O. A. Barnes)	Campbell, Bethel	Central City, Ky. .... Greenbrier, W. Va. .... Madisonville, Ky. .... Beaver Dam, Ky. .... Madisonville, Ky. ....	IC, L&N.	11	30	Central City, Ky. .... Greenbrier, W. Va. .... Madisonville, Ky. .... Beaver Dam, Ky. .... Madisonville, Ky. ....	L&N. IC, L&N-J.C. L&N-J.C. L&N-J.C.
958	Bethel Brothers (Sam Bethel)	Merton Hill		IC, L&N.	9			
959	Braden & Lovan (Rocco A. Braden)	Street		IC, L&N.	10			
967	Cook, Garland	C & D		IC, L&N.	11			
836	Corbitt & Dickerson (Robert T. Corbitt)	Clayton		IC, L&N.	9			
835	Dixon, D. A.	E & S		IC, L&N.	10			
874	Embry & Sons	F. C. H.		IC, L&N.	9			
233	Franklin & Clements (Chesley Franklin)	J. & M. 89		IC, L&N.	9			
925	Jenkins & Mauldin (B. L. Malone)	McGraw, Robert	Provident, Rockport	IC, L&N.	9	50	Providence, R. I. .... Wheatcroft, Pa. .... Merton, Pa. ....	L&N-J.C. IC, L&N.
450	McDraw, Robert	Moore, B. D.	Morton	IC, L&N.	9	30	Anton, Pa. ....	L&N.
834	Moore, B. D.	Powderly	Powderly	IC, L&N.	10			
980	Morgan, George (George Morgan Coal Co.)	Nash, Lomax	Baxter	IC, L&N.	9	30	Providence, R. I. .... Rockport, Pa. ....	L&N.
981	Paradise Mining Co. (W. C. Bates)	Paradise, L. W. (W. C. Bates)	Paradise Mfg. Co. .... C. T. B. #2	IC, L&N.	9	9	Beaver Dam, Ky. .... Sumrile, Ky. ....	IC, L&N.
961	Saunders, L. W. (Richard & Tyson)	Sumrile		IC, L&N.	11			
973	Tyson, R. L. (Richard & Tyson)	Possum Hollow		IC, L&N.	6	30	Empire Mine, Ky. .... Dawson Daylight, Ky. ....	IC, L&N.
892	Midway Mining Co. (Paul R. Morgan)	Morgan #2		IC, L&N.	6	10	Empire Mine, Ky. .... Dawson Daylight, Ky. ....	IC, L&N.
900	Morgan, George (George Morgan Coal Co.)	Happy Hollow #3		IC, L&N.	6	30	Empire Mine, Ky. .... Dawson Daylight, Ky. ....	IC, L&N.
988	Orton, James			IC, L&N.				

<sup>1</sup>The f. o. b. mine prices for coal shipped by Mine Index Nos. 887, 982, 997, 667, 835, 885, 874, 298, 985, 450, 834, 980, 301, 981, 961, 973 to any market area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for All Shipments Except Truck.

<sup>2</sup>The f. o. b. mine prices for coal shipped by Mine Index Nos. 892, 990, 988 to any market area in any size group and for any use, including Railroad Locomotive Fuel are the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight No. 6 mine, Mine Index No. 19, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

<sup>3</sup>Shipping Point Sullivan, Ky.; Freight Origin Group 10, is no longer applicable.

<sup>4</sup>Shipping Point Charleston, Ky.; Freight Origin Group 10, is no longer applicable.

[F. R. Doc. 42-1858, Filed, March 3, 1942; 11:04 a. m.]

[Docket No. A-1304]  
**PART 331—MINIMUM PRICE SCHEDULE,  
 DISTRICT No. 11**  
**ORDER GRANTING TEMPORARY RELIEF AND  
 CONDITIONALLY PROVIDING FOR FINAL RE-  
 LIEF IN THE MATTER OF THE PETITION OF  
 DISTRICT BOARD NO. 11 FOR THE ESTAB-  
 LISHMENT OF PRICE CLASSIFICATIONS AND  
 MINIMUM PRICES FOR THE COALS OF CER-  
 TAIN MINES IN DISTRICT NO. 11, FOR TRUCK  
 SHIPMENTS**  
 An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered*, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

*It is further ordered*, That the pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the

relief granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 18, 1942.

[SEAL]

DAN H. WHEELER,  
*Acting Director.*

**TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11**

**NOTE:** The material contained in this supplement T is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

**FOR TRUCK SHIPMENTS**

**§ 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T**

Code member index	Mine index No.	Mine	Seam	Prices and site group Nos.																																	
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Urbain, Emil.....	988	Urbain.....	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
McHenry, George and Homer (George McHenry).....	1299	McHenry.....	8B	275	260	255	245	240	235	205	205	186	175	155	145	80	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

[F. R. Doc. 42-1857; Filed, March 3, 1942; 11:04 a. m.]

**TITLE 32—NATIONAL DEFENSE**  
**CHAPTER IX—WAR PRODUCTION**  
**BOARD**  
**SUBCHAPTER B—DIVISION OF INDUSTRY**  
**OPERATIONS**

**PART 976—MOTOR TRUCKS, TRUCK TRAILERS**  
**AND PASSENGER CARRIERS**

*Amendment No. 4 to Limitation Order L-1-a to Further Restrict the Production of Medium and Heavy Motor Trucks*

Section 976.1 (General Limitation Order No. L-1-a as amended by Amendment No. 2<sup>1</sup> issued December 31, 1941, and Amendment No. 3<sup>2</sup> issued January 23, 1942) is hereby amended by inserting at the end of paragraph (b) (1) thereof the following:

*Provided, however, That (i) No such trucks shall be made with a gross vehicle weight of less than 16,000 pounds;*

(ii) No such trucks shall be made except from semi-fabricated and fabricated materials which were on hand February 28, 1942 and were so reported to the Automotive Branch of the War Production Board; and

(iii) Nothing in this Order shall affect production in March, 1942 of such vehicles as have previously been authorized by the Director of Industry Operations to be produced in March under quotas originally established for February, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942; 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 2d day of March 1942.

J. S. KNOWLSON,  
*Director of Industry Operations.*

[F. R. Doc. 42-1878; Filed, March 3, 1942;  
 5:03 p. m.]

**PART 980—RAYON YARN**

*Supplementary Order M-37-c To Conserve the Supply and Direct the Distribution of Rayon Yarn*

Whereas the national defense requirements have created a shortage of rayon yarn, as hereinafter defined, for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

**§ 980.4 Supplementary order M-37-c—**  
 (a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Rayon yarn" means continuous filament rayon yarn made by the viscose, cuprammonium, or acetate process.

(2) "Fine rayon yarn" means rayon yarn of 300 deniers or finer.

(3) "Reserved domestic yarn" means fine rayon yarn set aside for domestic consumption pursuant to the provisions of this Order.

(4) "Yarn-dyed silk" means silk which was fast dyed before being woven or knitted.

(5) "Producer" means any person who produces rayon yarn.

(6) "Domestic manufacturer" means any person consuming silk, nylon, or rayon in the first six months of the year 1941.

(7) "Jobber" means any person purchasing and reselling silk, nylon or rayon yarns.

(8) "Merchant yarn converter" means any person who does merchant throwing, repackaging, waxing, dyeing or any similar converting function on yarn owned by him.

(9) "Fabric converter" means any person who prior to July 26, 1941, bought silk, nylon or rayon, and caused it to be woven or knit for him on commission.

(10) "Basic monthly poundage," for any month, means a poundage in terms of 100 denier rayon yarn equal to the monthly average number of pounds of raw silk (or its thrown silk equivalent) and/or nylon consumed by a person during the first six months of the year 1941, minus the poundage of raw silk and/or nylon scheduled to be consumed by such person during such month. In applying the above definition to a domestic manufacturer, the poundage consumed shall refer to the poundage consumed by such domestic manufacturer on his own machinery. In the case of a jobber or merchant yarn converter, it shall refer to the poundage sold by such jobber and, in the case of a fabric converter, it shall refer to the poundage knit or woven by others for his account.

(11) "The equivalent of the basic monthly poundage" means a poundage calculated as follows: divide the basic monthly poundage by 100 and multiply the result by the denier desired, but in no event by more than 200.

(12) "Foreign manufacturer" means any manufacturer resident outside of the jurisdiction of the United States.

(13) "Basic quarterly eligibility," for any quarter, means the poundage in terms of 150 denier rayon yarn which a foreign manufacturer shall be eligible to cause to be exported during each calendar quarter as determined by the Board of Economic Warfare.

(14) "The equivalent of the basic quarterly eligibility" means a poundage calculated as follows: divide the basic quarterly eligibility by 150 and multiply the result by the denier desired, but in no event by more than 200.

(15) "Export yarn" means fine rayon yarn set aside for export pursuant to the provisions of this Order.

(c) *Directions with respect to export orders.* (1) On and after April 1, 1942,

each producer of viscose or acetate yarn shall, notwithstanding any preference rating which may be served upon him, each day set aside, to the extent that he possesses active spindles capable of producing fine rayon yarn, an amount of such yarn equal to the production of 4% of the total number of his active spindles producing viscose and acetate rayon yarn, respectively. The yarn thus set aside shall be known as "export yarn," and shall be set aside, as nearly as practicable, in such denier sizes as will fill the producer's orders on hand for such yarn at the time the producer sets his production schedule.

(2) Export yarn shall be disposed of to or for the account of foreign manufacturers holding export licenses issued by the Board of Economic Warfare, showing their basic quarterly eligibility, and the amount thereof to be covered by the particular license.

(3) Each producer shall open his books for the booking of orders for export yarn for the quarter beginning April 1, 1942, on the effective date of this paragraph, and, thereafter, not less than 45 days prior to the commencement of each calendar quarter. Each producer shall continue to book orders for any unsold or unreleased export yarn until the close of the calendar quarter. Each foreign manufacturer placing an order with a particular producer shall exhibit to the producer an export license for at least the amount of the said order, and each producer accepting an order for all or a portion of the basic quarterly eligibility or for all or a portion of the equivalent of the basic quarterly eligibility shall endorse on the said license the following:

Orders placed pursuant to the within license have been accepted by the undersigned in the amount of \_\_\_\_\_ pounds of the basic quarterly eligibility shown thereon.

Name of producer  
 By \_\_\_\_\_  
 Authorized signer \_\_\_\_\_  
 Date \_\_\_\_\_

Each license may be successively endorsed until the total amount for which it was issued has been booked.

(4) No producer shall sell or deliver any export rayon yarn to or for the account of any foreign manufacturer in excess of the equivalent of the basic quarterly eligibility shown on such foreign manufacturer's export license, less the amounts thereof covered by any prior endorsements thereon by any rayon producer.

(5) All export yarn set aside from the production of any one month pursuant to the provisions of this Order, and which has not been delivered or booked prior to the end of the month succeeding such month, shall thereupon be immediately available for sale to any person without restriction hereunder, subject only to § 944.14 of Priorities Regulation No. 1.

(6) A foreign manufacturer may place orders for export yarn either directly or through an agent, but no foreign manufacturer shall resell any export yarn in yarn form, unless specifically authorized by the Director of Industry Operations.

<sup>1</sup> 7 F.R. 29.

<sup>2</sup> 7 F.R. 514.

(d) *Directions with respect to residual supply—(1) Viscose and cuprammonium yarn.* (i) On and after April 1, 1942, each producer of viscose or cuprammonium yarn shall, after providing for defense and other rated orders in accordance with the provisions of Priorities Regulation No. 1, each day set aside, to the extent that he possesses spindles capable of producing fine viscose or cuprammonium rayon yarn, an amount of such yarn equal to the production of 17% of the total number of his remaining spindles producing viscose or cuprammonium yarn of any denier, excluding from such total the number of spindles the production from which is equivalent to that required for filling defense and other rated orders and for producing export yarn. The reserved domestic yarn thus set aside shall be selected in various denier sizes so as to yield an average denier equal to the average denier of the fine rayon yarn heretofore set aside by the producer for silk replacement. Nothing in the preceding sentence shall be deemed to prevent any producer from setting aside yarn so as to yield a finer average denier.

(ii) The reserved domestic yarn so set aside shall be disposed of as follows:

(a) An amount of reserved domestic yarn equal to the production of 1.0% of the total number of spindles referred to in paragraph (d) (1) (i) above, shall be reserved and held by the producer for disposition according to specific allocations to be issued by the Director of Industry Operations.

(b) An amount of reserved domestic yarn equal to the production of 1.0% of the total number of spindles referred to in paragraph (d) (1) (i) above, shall, subject to the limitations of paragraph (d) (4) of this Order, be made available, immediately and without further Governmental action, to domestic manufacturers for manufacture of products other than hosiery to replace their former consumption of yarn-dyed silk.

(c) An amount of reserved domestic yarn equal to the production of 15.0% of the total number of spindles referred to in paragraph (d) (1) (i) above, shall, subject to the limitations of paragraph (d) (4) of this Order, be made available, immediately and without further Governmental action, to domestic manufacturers for the manufacture of hosiery, to replace their former consumption of silk and nylon.

(2) *Acetate yarn.* (i) On and after April 1, 1942, each producer of acetate yarn shall, after providing for defense and other rated orders in accordance with the provisions of Priorities Regulation No. 1, each day set aside to the extent that he possesses spindles capable of producing fine acetate rayon yarn, an amount of such yarn equal to the production of 6% of the total number of his active spindles producing acetate yarn of any denier, excluding from such total the number of spindles the production from which is equivalent to that required for filling defense and other rated orders, and for producing export yarn.

The reserved domestic yarn thus set aside shall be selected in various denier sizes so as to yield an average denier equal to the average denier of the fine rayon yarn heretofore set aside by the producer for silk replacement. Nothing in the preceding sentence shall be deemed to prevent any producer from setting aside yarn so as to yield a finer average denier.

(ii) The reserved domestic yarn so set aside shall be disposed of as follows:

(a) An amount of reserved domestic yarn equal to the production of 0.5% of the total number of spindles referred to in paragraph (d) (2) (i) above, shall be reserved and held by the producer for disposition according to specific allocations to be issued by the Director of Industry Operations.

(b) An amount of reserved domestic yarn equal to the production of 5.5% of the total number of spindles referred to in paragraph (d) (2) (i) above shall, subject to the limitations of subparagraph (d) (4) of this Order, be made available, immediately and without further Governmental action, to domestic manufacturers of any textile product to replace their former consumption of silk and nylon.

(3) Any allocation made by the Director of Industry Operations pursuant to paragraph (d) (1) (ii) (a) or (d) (2) (ii) (a) above will be evidenced by an order, the original and two signed duplicates of which will be forwarded to the purchaser applying for relief. The purchaser shall forward the two duplicates to the producer or jobber holding the yarn which has been allocated, together with the purchaser's order therefor. The purchaser's order shall be accepted except under circumstances in which defense orders may be rejected pursuant to § 944.2 of Priorities Regulation No. 1. If a purchaser's order is rejected, the provisions of § 944.3 of Priorities Regulation No. 1 shall apply as if such order were a defense order. If, for any reason, the producer or jobber is unwilling to sell and deliver the yarn pursuant to the allocation order, he shall immediately notify the Director of Industry Operations by letter, reference M-37-c, stating the reasons for his unwillingness.

(4) No producer, jobber, merchant yarn converter, or fabric converter shall deliver any reserved domestic yarn to or for the account of any domestic manufacturer, jobber, merchant yarn converter or fabric converter as the case may be, unless:

(i) Such delivery has been specifically authorized by the Director of Industry Operations; or

(ii) Such producer, jobber, merchant yarn converter or fabric converter delivering such reserved domestic yarn shall have first received from the domestic manufacturer, jobber, merchant yarn converter or fabric converter purchasing such reserved domestic yarn, a certificate in form to be prescribed by the Director of Industry Operations, accompanied by

such copies thereof as the Director of Industry Operations may prescribe. Each person shall file one set of such certificates for each of the following capacities in which reserved domestic yarn is to be received by him:

(a) As a domestic manufacturer replacing silk and nylon formerly consumed on his own machinery.

(b) To replace silk and nylon formerly sold by him as the jobber or merchant yarn converter.

(c) As a fabric converter to replace silk and nylon formerly sent out by him for commission weaving or knitting: *Provided, however,* That any such fabric converter shall attach to each set of such certificates filed by him the sets of the same certificate received by him from each commission weaver or knitter by whom such reserve yarn is to be woven or knit, as the case may be;

*Provided,* That deliveries shall not be made if the person delivering the reserved domestic yarn knows, or has reason to know that such yarn, if delivered, will result in the receipt by the domestic manufacturer, jobber, merchant yarn converter or fabric converter, as the case may be, of an amount of reserved domestic yarn in excess of such recipient's equivalent of the basic monthly poundage for that month or, together with stocks on hand, will increase such recipient's inventory of reserved domestic yarn in the aggregate to above such equivalent. The person delivering reserved domestic yarn shall be entitled to rely upon any facts stated in any certificate filed with him in the absence of actual knowledge or reason for knowledge to the contrary.

(5) In making sales or deliveries of any rayon yarn, no person shall make discriminatory cuts in amounts or quantities between former customers and new customers, or between new customers, who meet such person's regularly established prices and terms, and no person shall discriminate between such former customers, new customers and his own consumption of such rayon yarn in any capacity.

(6) After providing for all deliveries under defense and other rated orders and export orders, and after setting aside the amounts of fine rayon yarn specified in subparagraphs (1) and (2) above, each producer may sell and deliver rayon yarn without limitation, subject only to § 944.14 of Priorities Regulation No. 1.

(7) No domestic manufacturer, jobber, merchant yarn converter or fabric converter shall accept delivery of reserved yarn, unless such delivery is authorized as provided in subparagraph (4) above.

(8) No domestic manufacturer, jobber, merchant yarn converter or fabric converter shall order, purchase, or receive from all sources for delivery in any one calendar month an amount of reserved domestic yarn in excess of the equivalent of his basic monthly poundage for that month.

(9) No domestic manufacturer, jobber, merchant yarn converter or fabric converter shall own, control, or otherwise

hold as inventory at any time an amount of reserved domestic yarn in excess of the equivalent of his basic monthly poundage for that month. For the purpose of this provision, inventory shall include all reserved domestic rayon yarn owned, controlled, or otherwise held by the domestic manufacturer, jobber, merchant yarn converter or fabric converter up to the time that it is placed on the knitting machine, loom, or other similar fabricating machine.

(10) No reserved yarn shall be resold in yarn form by a domestic manufacturer, jobber, merchant yarn converter or fabric converter, except upon the specific authorization by the Director of Industry Operations. The exchanging of yarn by a domestic manufacturer, jobber, merchant yarn converter or fabric converter shall be deemed reselling. Notwithstanding the foregoing, a jobber may resell reserved yarn in yarn form or after converting by him as a merchant yarn converter, but with respect to such resale he shall, unless the Director of Industry Operations specifically authorizes otherwise, be subject to the restrictions of subparagraphs (4) and (5) above applicable to a producer, and resales shall be made for only the purposes for which such yarn was originally set aside by the producer.

(11) All reserved rayon yarn set aside from the production of any one month pursuant to the provisions of Supplementary Order M-37-a, as amended, and all reserved domestic yarn set aside from the production of any one month pursuant to the provisions of this Order, shall be distributed in accordance with the provisions of this Order or shall be held by the producer until disposed of, specifically allocated or released by the Director of Industry Operations.

(12) In the event that knitting machines, looms or similar fabricating machines which consumed the basic monthly poundage of the domestic manufacturer in the first half of 1941, are or have been moved from one location to another, scrapped, their operation discontinued, or their ownership or operation changed, the person or persons concerned shall immediately advise the Director of Industry Operations who shall thereupon take any necessary action in connection therewith, including any appropriate revisions of the basic monthly poundage, and the assignment of appropriate basic monthly poundages to any new owners or operators thereof.

(e) *Doubtful cases.* Whenever there is reasonable doubt as to the eligibility of any person to receive reserved yarn hereunder, the matter should be referred for determination to the Director of Industry Operations, by a letter addressed to the War Production Board, Reference M-37-c, stating all pertinent facts.

(f) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of rayon yarn conserved, or that compliance with this Order would disrupt or impair a pro-

gram of conversion from nondefense work to defense work, may appeal to the Director of Industry Operations, by letter or telegram, or on such forms as may be prescribed, setting forth the pertinent facts and the reasons he considers himself entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate, including the assignment, for such period or periods of time as he may determine, of basic monthly poundages or of increases in the basic monthly poundage, as the case may be.

(g) *Reports and records.* (1) Each producer and jobber shall file with the War Production Board, at the time to be specified thereon, reports on Forms to be prescribed by the Director of Industry Operations, setting forth the information called for therein.

(2) All persons operating under this Order shall keep and preserve such records for not less than two years, as will clearly and adequately show their methods and rates of operation hereunder. Such information shall include a complete file of invoices covering the delivery of any and all yarn under this Order.

(3) Each person shall promptly forward to the Allocation and Appeals Section, Textile Branch, War Production Board, Washington, D. C., one duplicate of every certificate furnished to him by a purchaser pursuant to paragraph (d) (4) (i) hereof and one duplicate of every allocation order furnished by a purchaser pursuant to paragraph (d) (3), endorsed as follows: "Supplied by our order No. \_\_\_\_\_," filling in the number of such supply order; together with a copy of the producer's or jobber's letter accepting the purchaser's order. He shall also preserve and keep available for inspection by the Government, during reasonable business hours, the original or a signed duplicate of every such certificate.

(h) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Reference, M-37-c.

(i) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, or who fails to endorse an export license when required by the terms hereof so to do, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Effective date.* This Supplementary Order shall take effect April 1, 1942, except that paragraph (c) (3) shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as

amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 4th day of March 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-1895; Filed, March 4, 1942; 11:36 a. m.]

**PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM**

**Extension of Preference Rating Order No. P-98**

*It is hereby ordered, That § 1041.1 (Preference Rating Order P-98), issued January 14, 1942, as amended by Amendment No. 1 to Preference Rating Order No. P-98,<sup>1</sup> issued February 20, 1942, shall continue in effect until March 15, 1942, unless sooner revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong. 3d Sess., as amended by Pub. Law No. 89, 77th Cong., 1st Sess.)*

Issued this 28th day of February, 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-1877; Filed, March 3, 1942; 5:03 p. m.]

**TITLE 33—NAVIGATION AND NAVIGABLE WATERS**

**CHAPTER I—COAST GUARD**

**PART 9—GENERAL LICENSES FOR MOVEMENTS OF VESSELS WITHIN, OR DEPARTURE FROM, TERRITORIAL WATERS**

Pursuant to the authority contained in § 6.6 (d) of this Chapter (6 F.R. 5222), paragraph (a) of General License No. 1 (6 F.R. 5342) is amended as follows:

**§ 9.1 General License No. 1.**

\* \* \* \* \*

(a) Except when proceeding to, or departing from, a pier or other water front facility with the prior permission of the owner or operator of such pier or facility, all vessels under 100 feet in overall length (other than barges, scows, rafts and similar craft having no means of self-propulsion) when operating within 100 feet of any Navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or Navy arsenal or depot, warehouse, freight pier, bridge pier or abutment, or shore terminal or facility of any tunnel, within the limits of the harbors of:

\* \* \* \* \*

R. R. WAESCHE,  
Commandant.

Approved:

FRANK KNOX,  
Secretary of the Navy.

DECEMBER 5, 1941.

[F. R. Doc. 42-1879; Filed, March 4, 1942; 9:52 a. m.]

## Notices

## DEPARTMENT OF THE INTERIOR.

## Bituminous Coal Division.

[Docket No. B-208]

IN THE MATTER OF WALKER BUCKLES, CODE MEMBER, DEFENDANT

## NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 5, 1942, by The Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on April 10, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the United States Post Office Building, London, Kentucky.

*It is further ordered*, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to

have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, Walker Buckles, London, Kentucky, code member, who operates the Buckles Mine, Mine Index No. 2785, located at Laurel County, Kentucky, sold, delivered and offered to sell for shipment by truck coal produced at said mine (a) to the London Ice Company, London, Kentucky, on or about September 9, 1941, at a price of approximately 23 cents per net ton f. o. b. said mine, approximately 30 tons of high volatile, Size Group No. 8, or  $\frac{3}{8}'' \times 0$  slack coal, the established minimum price for such coal being \$1.50 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments; (b) to the London Ice Company, London, Kentucky, on or about September 25, 1941 at a price of approximately 23 cents per net ton f. o. b. said mine approximately 30 tons of high volatile, Size Group No. 8 or  $\frac{3}{8}'' \times 0$  slack coal, the established minimum price for said coal being \$1.50 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments; and (c) to Dyche Jones during the period between September 1 and October 31, 1941, at a price of approximately \$1.00 per net ton f. o. b. said mine, approximately 50 tons of high volatile, Size Group No. 7, or  $1\frac{1}{2}''$  nut and slack coal, the established minimum price for said coal being \$1.55 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments; the sales referred to in (a), (b) and (c) hereof being below the effective minimum prices resulted in violations of section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Bituminous Coal Code or directing the Code member to cease and desist from violating the Bituminous Coal Code and regulations made thereunder.

Dated: March 3, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.[F. R. Doc. 42-1884; Filed, March 4, 1942;  
10:55 a. m.]

[Docket No. A-1253]

PETITION OF THE BROWN COAL COMPANY AND THE H & M COAL COMPANY, CODE MEMBERS IN DISTRICT NO. 15, FOR REVISION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 1, 2, AND 3 PRODUCED FROM MINE INDEX NOS. 311 AND 1203 IN DISTRICT NO. 15 FOR SHIPMENT BY TRUCK INTO ALL MARKET AREAS

## NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 27, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Sebastian County Circuit Court, Fort Smith, Arkansas.

*It is further ordered*, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 21, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of the Brown Coal Company and the H & M Coal Co. for a reduction in the minimum price, from

\$3.30 per ton to \$2.60 per ton, for coals in Size Groups 1, 2, and 3, produced from the Brown Pit Mine (Mine Index No. 311), of the Brown Coal Company and the H & M Mine (Mine Index No. 1203), of the H & M Coal Co., for shipment by truck into all market areas.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-1885; Filed, March 4, 1942;  
10:55 a. m.]

[Docket No. B-220]

IN THE MATTER OF ARTHUR GIBBS AND WILSON GIBBS, INDIVIDUALS AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF GIBBS BROTHERS (GIBBS BROTHERS), CODE MEMBERS, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 10, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 12, 1942, by the Bituminous Coal Producers Board for District No. 11, a District Board complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on April 13, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the United States Post Office Building, Bedford, Indiana.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for

intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaints filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

1. That defendants, whose addresses are R. F. D. #1, Shoals, Indiana, during the period October 1, 1940, to August 31, 1941, both dates, sold to Joel Jones, Cecil Elliott, and Roy Purkhiser, all of French Lick, Indiana, approximately 111 tons of 1" x 0 screenings, Size Group No. 14, produced by the defendants at their Gibbs Mine, Mine Index No. 414, located in Center Township, Martin County, Indiana, at a price of 60 cents per net ton f. o. b. said mine, the effective minimum price for said coal being \$1.55 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments.

2. That during the period October 1, 1940, to August 31, 1941, both dates inclusive, the defendants failed to maintain and file tickets, sales tickets, invoices, other memoranda and records and data as required by Order No. 296, dated September 23, 1940; Order No. 297, dated October 22, 1940; Order No. 307, dated December 11, 1940, and Order No. 312, dated November 24, 1941.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-1886; Filed, March 4, 1942;  
10:55 a. m.]

[Docket No. A-1158 Part II]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE PRAIRIE CREEK COAL COMPANY NO. 1 MINE (MINE INDEX NO. 540) AND FOR THE COALS OF THE NEW BLUE VALLEY COAL COMPANY, BLUE VALLEY MINE (MINE INDEX NO. 562)

ORDER RESCHEDULING AND CHANGING PLACE OF HEARING

The above-entitled matter having been scheduled for hearing at a hearing room of the Bituminous Coal Division in Washington, D. C. on January 21, 1942, and having been continued on that date by the examiner to a date and place to be determined by the Acting Director; and

District Board No. 14, the petitioner, having moved that either it and Prairie Creek Coal Company be given leave to introduce evidence on the issues herein by depositions of that the hearing in the matter be held in Fort Smith, Arkansas; and

No opposition to the foregoing motion having been interposed and good cause for the granting thereof in the manner hereinafter provided having been shown;

*Now, therefore, it is ordered*, That the hearing in the above-entitled matter be rescheduled and held on March 27, 1942, at 10 o'clock a. m. at a hearing room of the Division at the Sebastian County Circuit Court, Fort Smith, Arkansas.

In all other respects the Notice of and Order for Hearing dated December 16, 1941, shall remain in full force and effect.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-1887; Filed, March 4, 1942;  
10:55 a. m.]

[Docket No. A-1256]

PETITION OF DISTRICT BOARD NO. 18 FOR THE ESTABLISHMENT AND REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES AND FOR THE REVISION OF CERTAIN SUB-DISTRICT CLASSIFICATIONS IN DISTRICT NO. 18

ORDER POSTPONING AND CHANGING PLACE OF HEARING

The above-entitled matter having been, by order of the Acting Director entered therein on February 23, 1942, set for hearing at Washington, D. C. on March 23, 1942; and

It now appearing that the best interests of the persons interested in such proceeding and of the Division will be served by postponing such hearing and changing its place to the date and place hereinafter set forth;

*Now, therefore, it is ordered*, That the hearing in the above-entitled matter be postponed from March 23, 1942, to April 10, 1942, and that the place of such hearing be changed from Washington, D. C.,

to a hearing room of the Division at Court Room, Circuit Court of Appeals, in Denver, Colorado;

*It is further ordered.* That the time within which petitions of intervention may be filed in such matter be, and it hereby is, extended from March 18, 1942, to April 4, 1942.

*It is further ordered.* That Scott A. Dahlquist shall preside at such hearing vice W. A. Guff.

In all other respects the Notice of and Order for Hearing entered in this matter on February 23, 1942, shall remain in full force and effect.

Dated: March 3, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-1888; Filed, Mar. 4, 1942;  
10:56 a. m.]

[Docket Nos. B-64, B-117, B-118]

**IN THE MATTER OF LEFT FORK FUEL COMPANY, INCORPORATED, CODE MEMBER, DEFENDANT, AND IN THE MATTER OF ANDREW J. FRY AND J. C. FRY, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF J. C. FRY AND A. J. FRY (ALSO KNOWN AS CAMP CREEK COAL CO., CODE MEMBER, DEFENDANTS AND IN THE MATTER OF ANDREW J. FRY (ALSO KNOWN AS ANDREW J. FRY, DOING BUSINESS AS CAMP CREEK COAL COMPANY), CODE MEMBER, DEFENDANT**

ORDER POSTPONING HEARINGS

The above-entitled matters having heretofore been scheduled for hearings on March 11, 1942, at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky; and

The above-named defendants having filed with the Division applications pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division for the Disposition without Formal Hearing of Compliance Proceedings; and

It appearing to the Acting Director that under such circumstances it is advisable to postpone said hearings;

*Now, therefore, it is ordered.* That the hearings in the above-entitled matters be and the same hereby are postponed to dates and at hearing rooms to be hereafter designated by an appropriate Order, or Orders, of the Division.

Dated: March 2, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-1889; Filed, March 4, 1942;  
10:56 a. m.]

[Docket No. B-118]

**IN THE MATTER OF ANDREW J. FRY (ALSO KNOWN AS ANDREW J. FRY, DOING BUSINESS AS CAMP CREEK COAL COMPANY), CODE MEMBER, DEFENDANT**

**NOTICE OF FILING OF APPLICATION FOR THE DISPOSITION WITHOUT FORMAL HEARING OF COMPLIANCE PROCEEDING**

Notice is hereby given that Andrew J. Fry (also known as Andrew J. Fry, doing business as Camp Creek Coal Company),

code member, defendant in the above-entitled matter, on February 19, 1942, filed an application dated February 17, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division for the Disposition without Formal Hearing of Compliance Proceedings.

In said application the defendant:

1. Admits that he wilfully violated the provisions of the Bituminous Coal Code and the minimum prices effected thereunder, as set forth in the complaint dated October 13, 1941, filed herein by Bituminous Coal Producers Board for District No. 8, as complainant, by selling, delivering and offering to sell, on various dates between May 25 and June 8, 1941, to the Ann Arbor Railroad Company, Norman B. Pitcairn, and Frank C. Nicodemus, Jr., receivers, for use as railway locomotive fuel, 450 tons of Size Group 7, or 5" x 2" egg coal produced by the defendant at the defendant's mine located in Wayne County, West Virginia, and designated as Mine Index No. 2431, at a price of \$1.85 per net ton f. o. b. said mine, the effective minimum price established for such coal being \$2.30 per net ton f. o. b. said mine at the time said transactions occurred.

2. Consents to the entry of an order cancelling and revoking its code membership, or of an order directing him to cease and desist from violations of the Code and regulations thereunder, or of an order revoking his code membership and also enjoining and restraining him from violations of the Code and regulations made thereunder upon restoration of his code membership.

Interested parties desiring to do so may, within fifteen (15) days from the date of this notice, file recommendations or requests for informal conferences in respect to the above-described application.

Dated: March 3, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-1890; Filed, March 4, 1942;  
10:56 a. m.]

[Docket No. B-64]

**IN THE MATTER OF LEFT FORK FUEL COMPANY, INCORPORATED, CODE MEMBER, DEFENDANT**

**NOTICE OF FILING OF APPLICATION FOR THE DISPOSITION WITHOUT FORMAL HEARING OF COMPLIANCE PROCEEDING**

Notice is hereby given that Left Fork Fuel Company, Incorporated, code member, defendant in the above-entitled matter on February 16, 1942, filed an application dated February 14, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings.

In said application the defendant:

1. Admits that it wilfully violated the provisions of the Bituminous Coal Code and the minimum prices effected thereunder as set forth in the complaint dated October 2, 1941, filed herein by Bituminous Coal Producers Board for District

No. 8, as complainant, by selling, delivering and offering to sell on various dates between May 25 and June 8, 1941, to the Ann Arbor Railroad Company, Norman B. Pitcairn, and Frank C. Nicodemus, Jr., receivers, for use as railway locomotive fuel, 350 tons of Size Group 7, or 5" x 2" egg coal produced by the defendant at the defendant's mine located in Wayne County, West Virginia, and designated as Mine Index No. 2431, at a price of \$1.85 per net ton f. o. b. said mine, the effective minimum price established for such coal being \$2.30 per net ton f. o. b. said mine at the time said transactions occurred.

2. Consents to the entry of an order cancelling and revoking its code membership or of an order directing it to cease and desist from violations of the Code and regulations thereunder, or to an order revoking its code membership and also enjoining and restraining it from violations of the Code and regulations made thereunder upon restoration of its code membership.

Interested parties desiring to do so may within fifteen (15) days from the date of this notice file recommendations or requests for informal conferences in respect to the above-described application.

Dated: March 3, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-1891; Filed, March 4, 1942;  
10:57 a. m.]

[Docket No. B-117]

**IN THE MATTER OF ANDREW J. FRY AND J. C. FRY, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF J. C. FRY AND A. J. FRY (ALSO KNOWN AS CAMP CREEK COAL COMPANY), CODE MEMBER, DEFENDANTS**

**NOTICE OF FILING OF APPLICATION FOR THE DISPOSITION WITHOUT FORMAL HEARING OF COMPLIANCE PROCEEDING**

Notice is hereby given that Andrew J. Fry and J. C. Fry, individually and as copartners, doing business under the name and style of J. C. Fry and A. J. Fry (also known as Camp Creek Coal Company), code member, defendants in the above-entitled matter, on February 19, 1942, filed an application dated February 17, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division for the Disposition without Formal Hearing of Compliance Proceedings.

In said application the defendants:

1. Admit that they wilfully violated the provisions of the Bituminous Coal Code and minimum prices effected thereunder, as set forth in the complaint dated October 13, 1941, filed herein by the Bituminous Coal Producers Board for District No. 8, as complainant, by selling, delivering and offering to sell, on various dates between May 25 and June 8, 1941, to the Ann Arbor Railroad Company, Norman B. Pitcairn and Frank Nicodemus, Jr., receivers, for use as railway locomotive fuel, 350 tons of Size Group 7, or 5" x 2" egg coal produced by the defendants at the defendants' mine, lo-

cated in Wayne County, West Virginia, and designated as Mine Index No. 2421, at the price of \$1.85 per net ton f. o. b. said mine, the effective minimum price established for such coals being \$2.30 per net ton f. o. b. said mine at the time said transaction occurred.

2. Consent to the entry of an order cancelling and revoking their code membership, or of an order directing them to cease and desist from violations of the Code and regulations thereunder, or of an order revoking their code membership and also enjoining and restraining them from violations of the Code and regulations made thereunder upon restoration of their code membership.

Interested parties desiring to do so may, within fifteen (15) days from the date of this notice, file recommendations or requests for informal conferences in respect to the above-described application.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-1892; Filed, March 4, 1942;  
10:57 a. m.]

#### DEPARTMENT OF LABOR.

##### Wage and Hour Division.

##### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective March 5, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

##### NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

I. Lewis Cigar Manufacturing Company, Morgan Street, Selma, Alabama;

No. 44—3

Cigar Industry; 150 learners; 320 hours for any one learner; 75% of the applicable minimum wage; Cigar machine operator, Packer; May 16, 1942. (This certificate effective March 3, 1942.)

Signed at New York, N. Y., this 3d day of March 1942.

PAULINE C. GILBERT,  
Authorized Representative,  
of the Administrator.

[F. R. Doc. 42-1893; Filed, March 4, 1942;  
11:12 a. m.]

##### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective March 5, 1942. The Certificates may be cancelled in the

manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

##### NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts, and Allied Garments and Women's Apparel

Fountain Hill Underwear Mills, Inc., Bishopthorpe and Cherokee Streets, Bethlehem, Pennsylvania; Ladies' Underwear; 40 learners (E); September 3, 1942. (This certificate effective March 3, 1942.)

Fountain Hill Underwear Mills, Inc., Bishopthorpe and Cherokee Streets, Bethlehem, Pennsylvania; Ladies' Underwear; 10 learners (T); March 3, 1943. (This certificate effective March 3, 1942.)

Friedman Brothers, Inc., 1111 Spring Garden Street, Easton, Pennsylvania; Men's Pants; 10 learners (T); March 5, 1943.

Oberman and Company, Brooks Street, Jefferson City, Missouri; Separate Pants and Breeches; 10 percent (T); March 5, 1943.

Oberman and Company, 700 Booneville Avenue, Springfield, Missouri; Separate Pants, Breeches and Shirts; 10 percent (T); March 5, 1943.

Signed at New York, N. Y., this 3d day of March 1942.

PAULINE C. GILBERT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 42-1894; Filed, March 4, 1942;  
11:12 a. m.]

#### CIVIL SERVICE COMMISSION.

##### CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, FEBRUARY 28, 1942

*Important.* The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
<b>IN ARREARS</b>		
1. Puerto Rico	1,269	53
2. Virgin Islands	17	1
3. Hawaii	287	24
4. Alaska	49	14
5. California	4,690	1,452
6. Louisiana	1,605	695
7. Michigan	3,569	1,583
8. Arizona	339	178
9. Texas	4,356	2,336
10. Georgia	2,121	1,242
11. Kentucky	1,932	1,166
12. Alabama	1,923	1,184
13. South Carolina	1,290	799
14. Ohio	4,690	3,060
15. Mississippi	1,483	983
16. North Carolina	2,425	1,697
17. Nevada	75	53
18. Arkansas	1,324	939
19. New Jersey	2,825	2,062
20. New Mexico	361	257
21. Indiana	2,327	1,801
22. Tennessee	1,980	1,649
23. Illinois	5,362	4,538
24. Florida	1,288	1,100
25. Oregon	740	640
26. Delaware	181	161
27. Connecticut	1,161	1,055
28. Wisconsin	2,130	1,958
29. Idaho	356	329
30. Washington	1,179	1,151
<b>IN EXCESS</b>		
31. Pennsylvania	6,722	6,795
32. Rhode Island	454	493
33. Vermont	244	249
34. West Virginia	1,201	1,357
35. Missouri	2,570	2,735
36. Massachusetts	2,931	3,138
37. Utah	374	408
38. New Hampshire	334	366
39. Maine	575	651
40. Oklahoma	1,586	1,854
41. Colorado	763	956
42. Minnesota	1,896	2,402
43. Iowa	1,723	2,214
44. New York	9,152	11,821
45. Wyoming	170	224
46. Montana	380	507
47. Kansas	1,223	1,765
48. North Dakota	436	657
49. Virginia	1,818	2,869
50. South Dakota	437	743
51. Nebraska	893	1,712
52. Maryland	1,237	3,024
53. District of Columbia	450	9,783
<b>GAINS</b>		
By appointment	3,667	
By transfer	86	
By classification	5	
By reinstatement	10	
By correction	2	
Total	3,770	
<b>LOSSES</b>		
By separation	269	
By transfer	139	
By correction	2	
Total	410	
Total appointments	91,023	

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under sec. 8, Rule VII, and the Attorney General's Opinion of August 25, 1934—20,606.

By direction of the Commission.

[SEAL] L. A. MOYER,  
Executive Director  
and Chief Examiner.

[F. R. Doc. 42-1876; Filed, March 3, 1942;  
8:37 p. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. IT-5737]

#### IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY

##### ORDER POSTPONING HEARING

MARCH 3, 1942.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commission orders that: The hearing in the above-entitled matter heretofore set for March 9, 1942, be and it is hereby postponed to May 4, 1942, at 9:45 a. m. (C. W. T.) in Jury Room 525, United States Court House, Kansas City, Missouri.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-1901; Filed, March 4, 1942;  
11:55 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-465]

#### IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY, THE CLARION RIVER POWER COMPANY, ERIE LIGHTING COMPANY, SOLAR ELECTRIC COMPANY, YOUGHO-CHENY HYDRO-ELECTRIC CORPORATION, ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, ASSOCIATED ELECTRIC COMPANY

##### SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of March, A. D. 1942.

The Commission having on February 17, 1942, entered its Findings and Opinion and Order herein, granting an exemption, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the issue and sale by Pennsylvania Electric Company, a subsidiary of Associated Electric Company, a registered holding company, of 30-year First Mortgage Bonds in the principal amount of \$32,500,000, and 34,000 shares of \$100 par value Cumulative Preferred Stock, in accordance with the provisions of the application, as amended, subject, however, to certain conditions, among which was that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental orders as the Commission might enter in view of the facts disclosed thereby; and

The applicant having made such report to the Commission in the form of

a further amendment to the application herein, specifying its action taken to obtain competitive bids for the purchase of such securities, together with a copy of each proposal received pursuant to the invitation of competitive bids therefor, and stating that applicant had accepted a bid from a group of underwriters headed by Mellon Securities Corporation of 102.3177% of the principal amount for said First Mortgage Bonds, having a coupon rate of 3 1/4% per annum, representing an annual cost of money to the company of approximately 3.2534%, together with accrued interest from January 1, 1942, to the date of delivery of said Bonds, said Bonds to be resold at 103.5% of the principal amount, representing a spread to the underwriters of 1.1823, and said applicant further stating that it had accepted a bid from the same group of underwriters of \$100.3789 per share for the Cumulative Preferred Stock, having a dividend rate of \$5.10, plus accrued dividends from March 1, 1942 to the date of delivery, such Preferred Stock having a calculated yield of 5.0807% per year, and such stock to be resold to the public at \$103.75, representing a spread to the underwriters of \$3.3711 per share; and

A hearing having been held with respect to said amendment, and the Commission having examined the record, and finding that the terms for the sale of said Bonds and Preferred Stock at such prices and with such spread are not unreasonable;

It is ordered, That the application, as amended, for exemption under section 6 (b) of the Act with respect to the issuance and sale of the aforesaid First Mortgage Bonds and Cumulative Preferred Stock to the persons and upon the terms and conditions hereinabove set out be and the same is hereby granted, subject, however, to the terms and conditions prescribed in Rule U-24 and in the Commission's order of February 17, 1942, and subject to the reservations of jurisdiction contained in said order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, -  
Secretary.

[F. R. Doc. 42-1896; Filed, March 4, 1942;  
11:50 a. m.]

[File No. 811-410]

#### IN THE MATTER OF VOTING TRUSTEES UNDER VOTING TRUST AGREEMENT DATED OCTOBER 20, 1931 FOR STOCK OF ASSOCIATED GENERAL UTILITIES COMPANY

##### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of March, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of Section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company.

*It is ordered*, That a hearing on the aforesaid application be held on March 11, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

*It is further ordered*, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-1897; Filed, March 4, 1942;  
11:50 a. m.]

[File No. 70-503]

IN THE MATTER OF PHILADELPHIA ELECTRIC COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of March, A. D. 1942.

Philadelphia Electric Company having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, and Rule U-50 (a) (5) thereunder, regarding the following transactions:

(1) The issue and sale, at \$110 per share and accrued dividends, of 48,221 shares of 4.4% preferred stock, cumulative, \$100 par value, to the following institutions: New York Life Insurance Company, 17,000 shares; Prudential Insurance Company of America, 15,000 shares; Insurance Company of North America, 9,800 shares; and Provident Trust Company of Philadelphia, Trustee for Philadelphia Electric Company Service Annuity Fund, 6,421 shares; the proceeds, aggregating \$5,304,310, are to be applied to the retirement of a like amount of outstanding notes payable to banks;

(2) The exemption of said issue and sale from the competitive bidding requirements of Rule U-50; and

A public hearing having been held after appropriate notice and the Commission having considered the record in

this matter and having made and filed its Findings and Opinion herein:

*It is ordered*, That said application, as amended, be and hereby is granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-1898; Filed, March 4, 1942;  
11:50 a. m.]

[File No. 70-506]

IN THE MATTER OF THE OHIO PUBLIC SERVICE COMPANY AND OHIO RIVER POWER, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of March, A. D. 1942.

Applications and declarations having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Ohio Public Service Company and Ohio River Power, Inc.; and

Such applications and declarations concerning the following:

The Ohio Public Service Company proposes to sell certain of its real estate known as the Dille's Bottom power site, located in the County of Belmont, Ohio, together with certain easements and rights-of-way at the value thereof as carried on the books of the Company on December 31, 1941, to wit, \$379,840.62, to a new Ohio company known as Ohio River Power, Inc., all of whose stock will be owned by The Ohio Public Service Company. The Property will be conveyed free and clear of all liens and the purchase price will be cash.

The Ohio Public Service Company proposes to acquire from the Power Company all of its common stock, to wit, 5,000 shares of the par value of \$100 per share, and to pay therefor the sum of \$500,000 in cash. The Power Company proposes to use the proceeds received from the said subscription to pay for the Property acquired, and the balance of approximately \$120,000 will be placed in the treasury of the Power Company.

The Ohio Public Service Company proposes to advance to the Power Company from time to time on open account and without interest, sums of money (not in excess, however, of \$250,000 in the aggregate) as the Power Company may from time to time require to pay capital expenses incurred subsequent to December 31, 1941 in the development of the Property and prior to the receipt of funds therefrom from the Reconstruction Finance Corporation.

The Power Company is applying to Reconstruction Finance Corporation for a loan sufficient to enable the Power Company to complete a plant on the Property, and initially to install therein a 50,000 K. W. turbo-generating unit, two boilers with a capacity of 350,000 pounds of steam per hour for each unit,

together with auxiliaries for a pulverized coal-fired condensing steam electric plant, and to construct a transmission line from such plant to the transmission system of the Company at Alliance, Ohio. The terms and conditions of the loan to the Reconstruction Finance Corporation, the securities to be issued by Ohio River Power, Inc. and any guarantee thereof by The Ohio Public Service Company are to be supplied by amendment.

By an amendment to such applications and declarations The Ohio Public Service Company and Ohio River Power, Inc. have requested the Commission to issue an interim order permitting The Ohio Public Service Company to forthwith purchase and Ohio River Power, Inc. to sell 250 shares of common stock of the Ohio River Power, Inc. for a cash consideration of \$25,000 in order to facilitate Ohio River Power, Inc. in making application to the Reconstruction Finance Corporation for such loan.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said declarations and applications, and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

*It is ordered*, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on March 19, 1942 at 10 o'clock A. M. at the offices of the Securities and Exchange Commission, Penn Athletic Club Building, corner 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why the declarations as filed shall become effective;

*It is further ordered*, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside in the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

*It is further ordered*, That, without limiting the scope of issues presented by said applications and declarations as filed or as amended, particular attention will be directed at said hearing to the following matters and questions:

1. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders thereunder, to impose any conditions regarding the consideration to be received for such sale, the maintenance of competitive conditions, fees and commissions, accounts, disclosure of interest, and similar matters

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with respect to the (1) sale by The Ohio Public Service Company to Ohio River Power, Inc. of such assets of The Ohio Public Service Company and (2) the issue and sale to The Ohio Public Service Company of the securities to be issued by Ohio River Power, Inc.

2. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders thereunder, to impose any conditions regarding the proposed advances to Ohio River Power, Inc. by The Ohio Public Service Company.

3. Whether the issue and sale of common stock and the issue of securities by Ohio River Power, Inc. in connection with the loan from the Reconstruction Finance Corporation and any guarantee thereof by The Ohio Public Service Company are solely for the purpose of financing the business of such companies and have been expressly authorized by the Public Utilities Commission of Ohio, and whether any terms or conditions with respect thereto should be imposed.

4. Whether the accounting entries to be made in connection with any or all of such proposed transactions comply with the requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

5. Whether the terms and conditions of any or all of the proposed transactions are detrimental to the public interest or the interest of investors or consumers.

6. Whether all actions proposed to be taken comply with the requirements and standards of such Act and rules, regulations or orders promulgated thereunder and whether terms and conditions are necessary to be imposed to insure such compliance.

7. Whether the proposed acquisition of assets by Ohio River Power, Inc. has been expressly authorized by the Public Utilities Commission of Ohio and whether the proposed acquisition of the common stock of Ohio River Power, Inc., by The Ohio Public Service Company will unduly complicate the capital structure of the holding company system of which such companies are a part or will be detrimental to the public interest or the interest of investors or consumers or the

proper functioning of such holding company system.

Notice of such hearing is hereby given to such declarants or applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

*It is further ordered*, That such notice shall be given further by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the **FEDERAL REGISTER**, not later than two weeks prior to the date hereinbefore fixed for the hearing, of a copy of this Notice of and Order for Hearing.

It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect to the Commission on or before the sixteenth day of March 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-1899; Filed, March 4, 1942;  
11:50 a. m.]

[FILE NO. 68-7]

IN THE MATTER OF NORTHERN STATES  
POWER COMPANY (DELAWARE)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 4th day of March, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party:

Notice is further given that any interested person may, not later than March 13, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or

application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt the transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Northern States Power Company (Delaware), a registered holding company, proposes to solicit proxies to secure a quorum necessary to conduct the annual stockholders' meeting held on May 13, 1942, and in connection therewith said company proposes, in addition to bearing the cost of preparing, assembling and mailing proxies, proxy statements, and accompanying data, to expend the estimated amount of \$6,000, \$5,000 for telephone tolls and fees or salaries and out-of-pocket expenses of specially engaged employees to solicit proxies by personal interview or by telephone, and \$1,000 for the services of experts to be used in the solicitation of the proxies.

Northern States Power Company (Delaware) states in its declaration that (a) it is expected that eleven directors will be elected for the ensuing year at the above referred to annual meeting and that it does not know of any other matter that may be presented at the meeting; (b) because of the diversity of holdings of its stock, it is necessary for it to solicit proxies to secure a quorum necessary to conduct the meeting; (c) the solicitation of proxies during the year 1941 indicates that the actual expenses may be substantially less than the estimated sum of \$6,000; and (d) that it does not, at this time, know of any contest which has arisen or may arise with respect to the subject matter of such solicitation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-1900; Filed, March 4, 1942;  
11:51 a. m.]